

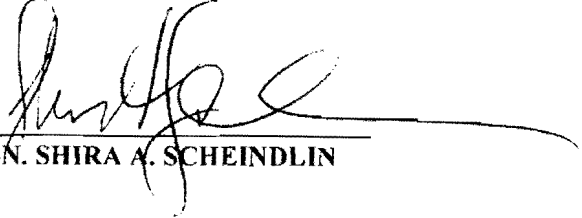
MDL 1358 (SAS)  
Case no: 09 Civ 1419

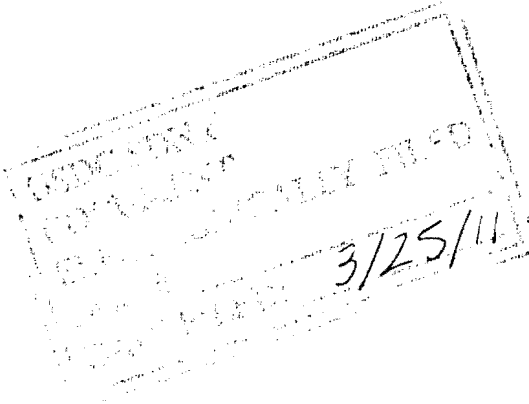
**[PROPOSED] ORDER GRANTING PLAINTIFF YOSEMITE SPRINGS PARK  
UTILITY DISTRICT AND DEFENDANT CHEVRON CORPORATION'S JOINT  
MOTION FOR VOLUNTARY DISMISSAL WITHOUT PREJUDICE PURSUANT TO  
FRCP 41(a)(2)**

The Court, having considered Plaintiff Yosemite Springs Park Utility District and Defendant Chevron Corporation's Joint Motion for Voluntary Dismissal Without Prejudice pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, hereby grants the motion and dismisses without prejudice Plaintiff's action as to Defendant Chevron Corporation, with each party to bear its own costs. This order applies only to Chevron Corporation and does not apply to any other defendant in this litigation.

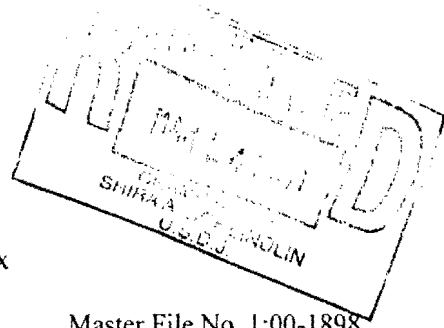
Dated: \_\_\_\_\_

3/24/11

  
HON. SHIRA A. SCHEINDLIN



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

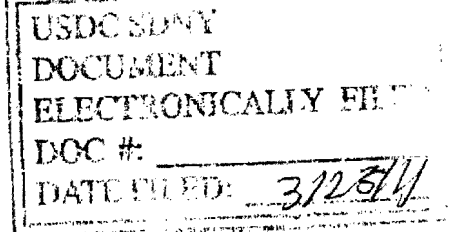


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In Re: Methyl Tertiary Butyl Ether ("MTBE")  
Products Liability Litigation

Master File No. 1:00-1898  
MDL 1358 (SAS)  
M21-88  
ECF Case

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This document relates to the following case:

*Yosemite Springs Park Utility District v. Chevron,  
U.S.A., et al.*, Case No. 09-CIV-1419



----- x  
**PLAINTIFF YOSEMITE SPRINGS PARK UTILITY DISTRICT AND DEFENDANT  
CHEVRON CORPORATION'S JOINT MOTION FOR VOLUNTARY DISMISSAL  
WITHOUT PREJUDICE PURSUANT TO FRCP 41(a)(2)**

WHEREAS, Plaintiff Yosemite Springs Park Utility District ("Plaintiff") brought suit against Chevron Corporation and another defendant alleging MTBE or TBA is contaminating and threatening its wells and groundwater supplies;

WHEREAS, Plaintiff owns and operates a drinking water system, including potable drinking water wells that it alleges have been impacted by MTBE and TBA;

WHEREAS, Chevron Corporation denies any liability;

WHEREAS, Chevron Corporation executed a sworn declaration under penalty of perjury in this case specifically attesting that it did not refine, distribute, or market gasoline products in the State of California; that it did not manufacture MTBE, TAME, or TBA; and that it did not own or operate the Yosemite Lakes Trading Post station located at 29580 Yosemite Springs Parkway in Coarsegold, California;

WHEREAS, in express reliance on this sworn declaration, Plaintiff has decided to dismiss its claims without prejudice as to Chevron Corporation only;

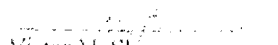
THEREFORE, Plaintiff and Chevron Corporation now jointly move for dismissal as follows:

Pursuant to Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, Plaintiff and Defendant Chevron Corporation now jointly move for dismissal without prejudice. Plaintiff and Chevron Corporation have agreed that Plaintiff may refile MTBE claims against Chevron Corporation in the event that Plaintiff, upon receipt of further information, determines that the MTBE claims against Chevron Corporation are meritorious. Plaintiff and Chevron Corporation ask the Court to dismiss Plaintiff's MTBE Claims against Chevron Corporation without prejudice, with each party to bear its own costs. Plaintiff and Chevron Corporation agree that this request is reasonable and does not prejudice either Plaintiff or Chevron Corporation.

Respectfully Submitted, Agreed to and Accepted.

Dated: March 23, 2011

By:

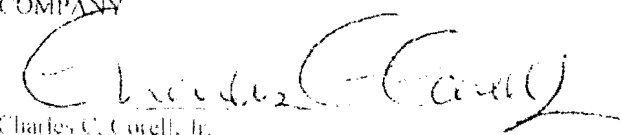
  
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Attorneys for Plaintiff  
YOSEMITE SPRINGS PARK UTILITY  
COMPANY

Dated: March 23, 2011

By:

  
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Attorneys for Defendants,  
CHEVRON CORPORATION

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of:

**PLAINTIFF YOSEMITE SPRINGS PARK UTILITY DISTRICT AND DEFENDANT  
CHEVRON CORPORATION'S JOINT MOTION FOR VOLUNTARY DISMISSAL  
WITHOUT PREJUDICE PURSUANT TO FRCP 41(a)(2)**

was served on Liaison Counsel via Electronic Mail, and on all counsel of record by posting it directly to LexisNexis File & Serve on this 23rd day of March, 2011.

*/s/ Beverly Santos* \_\_\_\_\_

Beverly Santos